



Department of Pesticide Regulation



Mary-Ann Warmerdam
Director

Arnold Schwarzenegger
Governor

September 3, 2008

Mr. Henry Gonzales
Ventura County Agricultural Commissioner
815 East Santa Barbara Street
Santa Paula, California 93060

Dear Mr. Gonzales:

As you know, volatile organic compounds (VOCs) contribute to the formation of ozone, a major air pollutant. Under the federal Clean Air Act as interpreted and enforced by an April 2006 federal district court order, the Department of Pesticide Regulation (DPR) tracks and reduces VOC emissions from pesticides. Title 3, California Code of Regulations (3 CCR) section 6452.2(c) establishes a field fumigant VOC emission limit for the Ventura ozone nonattainment area (Ventura County) during the May 1–October 31 period. As specified in 3 CCR section 6452.3, the fumigant limit is enforced through emission allowances issued to growers. The county agricultural commissioners enforce the emission allowances as conditions included on restricted materials permits. In July 2008, the U.S. Environmental Protection Agency amended the timetable for obtaining the required pesticide emission reductions in Ventura under the Clean Air Act. Unrelated to this amendment, on August 20, 2008, the Ninth Circuit Court of Appeals reversed the district court action finding that it had no jurisdiction to issue its order. On the basis of these two events, DPR is modifying its field fumigant regulations to incorporate the new timetable for obtaining emission reductions in Ventura. The regulation, in part, revises the Ventura emission limit specified in 3 CCR section 6452.2(c) from 734,000 pounds to 1,214,000 pounds for 2008. This regulation becomes effective later today on filing with the Secretary of State.

For the May–October 2008 period, DPR received field fumigant emission allowance requests for 2,477,837 pounds of VOCs for the Ventura nonattainment area. The requests exceed the revised field fumigant emission limit of 1,214,000 pounds by 204 percent. The field fumigant emission allowances must not exceed 48.99 percent of the requested amounts to comply with the field fumigant emission limit. The attached table includes a listing of each permittee and his/her revised field fumigant emission allowance. **These allowances take effect tomorrow, September 4, 2008, and supersede those issued on April 4, 2008.** As specified in 3 CCR section 6452.3(d), you must include the emission allowance as a condition of the restricted materials permit for each permittee listed.



Mr. Henry Gonzales
September 3, 2008
Page 2

You should continue to maintain a running total from May through October of VOC emissions from all fumigants for each permittee, as they occur. As specified in 3 CCR section 6452.3(e), you must deny any notice of intent that does not comply with the fumigant emission allowance.

Thank you for your assistance. If you have any questions, feel free to contact Mr. Randy Segawa, Environmental Program Manager, at (916) 324-4137 or <rsegawa@cdpr.ca.gov>.

Sincerely,

Original signed by

Christopher Reardon
Chief Deputy Director
(916) 445-4000

Attachment

cc: Ms. Mary-Ann Warmerdam, DPR Director (w/Attachment)
Ms. Polly Frenkel, DPR Chief Counsel (w/Attachment)
Mr. Randy Segawa (w/Attachment)

Revised Field Fumigant Emission Allowances for the Ventura Nonattainment Area,
May-October 2008

Operator ID-Permit Number	Requested Emissions (lbs)	Allowance for 734,000 lb Limit (lbs)	Allowance for 1,214,000-lb Limit (lbs)
56-08-27FO22A	83,968	24,871	41,136
56-08-27X0288	63,678	18,861	31,196
56-08-3000917	62,376	18,476	30,558
56-08-4205079	1,284	380	629
56-08-56C0019	27,495	8,144	13,470
56-08-56C0033	560	166	274
56-08-56C0052	2,117	627	1,037
56-08-56C0057	5,640	1,671	2,763
56-08-56C0345	1,120	332	549
56-08-56C0346	1,470	436	720
56-08-56C0484	64,558	19,122	31,627
56-08-56C0511	19,512	5,780	9,559
56-08-56C0566	30,456	9,021	14,920
56-08-56C0567	19,035	5,638	9,325
56-08-56C0599	28,568	8,462	13,996
56-08-56C0635	8,402	2,489	4,116
56-08-56C0664	30,949	9,167	15,162
56-08-56C0678	12,126	3,592	5,941
56-08-56C0679	12,267	3,633	6,010
56-08-56C0710	28,905	8,562	14,161
56-08-56C0714	4,516	1,338	2,212
56-08-56C0772	2,256	668	1,105
56-08-56C0848	15,510	4,594	7,598
56-08-56C0853	17,484	5,179	8,565
56-08-56C0862	21,600	6,398	10,582
56-08-56C0879	25,662	7,601	12,572
56-08-56C0918	2,538	752	1,243
56-08-56C0938	9,803	2,904	4,802
56-08-56C0947	8,502	2,518	4,165
56-08-56C0950	15,684	4,646	7,684
56-08-56C0975	4,481	1,327	2,195
56-08-56P0039	8,856	2,623	4,339
56-08-56P1645	22,842	6,766	11,190
56-08-56P1661	5,640	1,671	2,763
56-08-56P1789	425,750	126,107	208,575
56-08-56P1883	5,358	1,587	2,625
56-08-56P1887	73,177	21,675	35,850
56-08-56P1888	3,102	919	1,520
56-08-56P1894	2,292	679	1,123
56-08-56P1895	846	251	414
56-08-56P1926	6,224	1,844	3,049
56-08-56P1927	4,149	1,229	2,033
56-08-56P1944	13,536	4,009	6,631
56-08-56P1955	173,430	51,370	84,963
56-08-56X0002	61,595	18,245	30,176
56-08-56X0004	33,840	10,023	16,578
56-08-56X0007	44,673	13,232	21,885

Operator ID-Permit Number	Requested Emissions (lbs)	Allowance for 734,000-lb Limit (lbs)	Allowance for 1,214,000-lb Limit (lbs)
56-08-56X0008	3,594	1,065	1,761
56-08-56X0011	15,792	4,678	7,737
56-08-56X0017	2,311	684	1,132
56-08-56X0020	28,200	8,353	13,815
56-08-56X0026	55,413	16,413	27,147
56-08-56X0031	2,653	786	1,300
56-08-56X0047	175,827	52,080	86,138
56-08-56X0048	156,933	46,484	76,881
56-08-56X0050	15,264	4,521	7,478
56-08-56X0052	22,406	6,637	10,977
56-08-56X0066	705	209	345
56-08-56X0071	1,540	456	755
56-08-56X0073	70,500	20,882	34,538
56-08-56X0076	3,278	971	1,606
56-08-56X0082	64,860	19,212	31,775
56-08-56X0093	6,345	1,879	3,108
56-08-56X0123	1,540	456	755
56-08-56X0183	29,408	8,711	14,407
56-08-56X0195	12,690	3,759	6,217
56-08-56X0209	18,471	5,471	9,049
56-08-56X0247	21,235	6,290	10,403
56-08-56X0250	33,120	9,810	16,225
56-08-56X0256	1,410	418	691
56-08-56X0276	186,543	55,254	91,387
56-08-56X0280	29,963	8,875	14,679
Totals	2,477,837	733,935	1,213,892